

## **Chapter 14.48**

### **STREET VACATIONS**

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#### **14.48.010 Purpose.**

The purpose of this chapter is to provide a consistent standard regarding compensation to the city for the vacation and/or transfer of its interest in public streets. Vacation of the city's interest in streets should be viewed as a transfer of a substantial property right for which the public should be compensated. To prevent windfall enrichment to abutting property owners at public expense, such transfer should not be made without compensation being paid to the city.

#### **14.48.020 Street defined.**

"Street(s)" means all major and minor streets, alleys, walkways and trails.

#### **14.48.030 Conditions for vacation.**

Petitions for vacation of public streets shall be considered on the basis of the following:

A. Alleys, Walkways and Trails. Alleys, walkways and trails are not generally within the current planning and maintenance policies of the city. Vacation of an alley, walkway or trail relieves the city from present and future obligations to maintain such alley, walkway or trail. This benefit to the city is declared to be adequate compensation for the city's interest. Where appropriate, the city may require conditions precedent to the vacation of any alley, walkway or trail such as installation of landscaping, fencing or other improvements which must be completed or bonded for prior to the

enactment of the vacation ordinance.

B. Major and Minor Streets. Major and minor streets shall not be vacated or permanently closed unless adequate compensation has been paid for the transfer of the city's interest in the land.

#### **14.48.040 Fees and advertising costs.**

No petition for vacation of a city street shall be considered unless accompanied by a fee of \$100 to cover costs of review by city personnel. The petitioner shall pay all advertising costs for public notices required for vacation hearings.

#### **14.48.050 Legal interest of city.**

No action shall be taken on any petition to vacate a street until the department identifies and verifies the specific manner in which the city acquired its interest in the street and the city attorney determines the legal interest of the city in the street.

#### **14.48.060 Evaluation of need for street.**

Each petition shall be evaluated in terms of the current use of the street and the need in the foreseeable future for its use as a public street or for any other public purpose. If such need exists or may exist in the foreseeable future, the petition shall be denied.

#### **14.48.070 Compensation.**

Any action providing vacation, sale or other transfer of the city's interest in any street where compensation is required shall be conditioned upon prior payment of such compensation and shall not be completed by an enactment of the ordinance until all required compensation is paid to the city together with advertising costs for all public notices. Generally, such compensation shall be the fair market value of the land. In appropriate cases compensation may be provided for, in part or in whole, through an exchange of land or relocation of streets within an existing subdivision. Where the city's interest in a street is transferred to another public entity for a pub-

lic use which benefits the city, the city council may determine that the benefit to the city from such use is adequate compensation for the land. Where appropriate, the city may require conditions precedent such as the installation of landscaping, fencing or other improvements which must be completed or bonded for prior to the enactment of a vacation ordinance.